

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV148

ANDREW MARK BREEN,)	
)	
Plaintiff,)	<u>ORDER</u>
v.)	
)	
MECKLENBURG COUNTY, JAMES)	
PENDERGRAPH, in his official and)	
individual capacities, JOHN DOE I, JOHN)	
DOE II, JOHN DOE III, JOHN DOE IV,)	
and JANE DOE in their individual)	
capacities, PRISON HEALTH SERVICES)	
INC., and PEERLESS INSURANCE)	
COMPANY,)	
)	
Defendants.)	
)	

On April 28, 2006, the magistrate judge issued a Memorandum and Recommendation in the present case recommending that Defendant Mecklenburg County's Motion to Dismiss be granted as to the County and denied as to all other defendants, and that Defendant Prison Health Services Inc.'s Motion to Dismiss also be denied. (Doc. No. 16). The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge's decision. The deadline for filing objections has passed without any party filing objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge's proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge's recommendation.

THEREFORE, IT IS HEREBY ORDERED that Defendant Mecklenburg County's Motion to Dismiss (Doc. No. 7) be **GRANTED** as to the County and **DENIED** as to all other defendants, and that Defendant Prison Health Services Inc.'s Motion to Dismiss (Doc. No. 7) also be **DENIED**.

Signed: September 29, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

